

1 KEKER & VAN NEST, LLP
JEFFREY R. CHANIN - #103649
2 DARALYN J. DURIE - #169825
ASHOK RAMANI - #200020
710 Sansome Street
3 San Francisco, CA 94111-1704
Telephone: (415) 391-5400
4 Facsimile: (415) 397-7188

5 Attorneys for Plaintiff and Counterclaim Defendant,
NETFLIX, INC.

6
7 ALSCHULER GROSSMAN STEIN & KAHAN LLP
MARSHALL B. GROSSMAN - #35958
WILLIAM J. O'BRIEN - #99526
8 TONY D. CHEN - #176635
DOMINIQUE N. THOMAS - #231464
9 The Water Garden
1620 26th Street
10 Fourth Floor, North Tower
Santa Monica, CA 90404-4060
11 Telephone: 310-907-1000
12 Facsimile: 310-907-2000

13 Attorneys for Defendant and Counterclaimant,
BLOCKBUSTER INC.

14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17
18 NETFLIX, INC., a Delaware corporation,

19 Plaintiff,

20 v.

21 BLOCKBUSTER, INC., a Delaware
corporation, DOES 1-50,

22 Defendant.

23 AND RELATED COUNTERCLAIMS
24
25
26
27
28

Case No. C 06 2361 WHA (JCS)

**STIPULATION AND [PROPOSED]
ORDER FOR ONE-DAY EXTENSION OF
TIME FOR SUBMISSION OF
STIPULATION REGARDING
DISCOVERY DISPUTES**

Hearing Date: Jan. 12, 2007
Time: 9:30 A.M.
Courtroom: A, 15th Floor
Magistrate Judge: Joseph C. Spero

Complaint Filed: April 4, 2006

1 Plaintiff and Counter-Defendant, Netflix, Inc., and Defendant and
2 Counterclaimant, Blockbuster Inc., through their respective counsel of record, hereby stipulate
3 and agree as follow:

4 1. It was previously stipulated and ordered that the parties file by December
5 14, 2006, a stipulation detailing the orders that they agree the Court should make on (a) Netflix's
6 pending motion to compel further responses from Blockbuster to Netflix's First Set of Requests
7 for Production, (b) Netflix's pending motion for a protective order as to certain Blockbuster
8 document subpoenas to third-parties, and (c) Blockbuster's pending motion to compel further
9 responses from Netflix to Blockbuster's First Set of Requests for Production, along with a
10 description of whatever issues remain for decision by the Court regarding those motions. These
11 three motions are currently scheduled for hearing on January 12, 2007.

12 2. Counsel for Netflix and Blockbuster conducted an additional in-person
13 conference about these motions on December 8, 2006, and have been working diligently to
14 resolve the outstanding issues. The parties have now reached agreement on the large majority of
15 these issues, and there appears to be a serious prospect that they will be able to resolve every
16 such issue. However, unanticipated complexities have arisen late in the process of trying to
17 define and document a mutually satisfactory resolution of the few remaining issues, and counsel
18 are unexpectedly finding themselves unable to complete the stipulation before midnight
19 December 14, 2006.

1 3. The parties therefore stipulate and respectfully request that the time for
2 filing of the stipulation referred to above be extended one day to December 15, 2006.

3
4 Dated: December 14, 2006

KEKER & VAN NEST, LLP

5
6 By: /S/
Eugene Paige
7 Attorneys for Plaintiff and Counte/claim Defendant,
8 NETFLIX, INC.

9 Dated: December 14, 2006

ALSCHULER GROSSMAN STEIN & KAHAN LLP

10
11 By: /S/
12 William J. O'Brien
13 Attorneys for Defendant and Counterclaimant,
14 BLOCKBUSTER INC.

15 **PURSUANT TO STIPULATION, IT SO ORDERED.**

16
17
18 Dated: _____

HONORABLE JOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE